

### **REMARKS**

Claims 9 - 11, 13 - 17, and 22 are pending. Claims 9 and 22 have been amended. Applicant respectfully requests reconsideration.

Applicant has filed herewith an Information Disclosure Statement listing U.S. Patent No. 2,254,179. Applicant became aware of this reference when it was citing during the prosecution of a related, co-pending application, U.S. Application Serial No. 10/982,033.

Applicant has amended independent Claims 9 and 22 to more clearly recite that the user is supported in the elevated position by a platform, seat, or other device, but the user is not supported by the safety rope system except in the case of a fall from, or failure of, the platform, seat, or other device.

The Hoyt reference shows a user being supported by a rope using a particular knot so that that the user can climb a tree, for example. Thus, the rope and knot are constantly load-bearing, or in other words, the rope and the particular knot constantly support the weight of the user. The cited prior art shows active use of a knot for climbing but does not show passive use of a rope knot for arresting a fall. The present invention, however, relates to and claims a safety line using a knot passively for arresting a fall. Thus, Claims 9 and 22, as well as the claims that depend from Claim 9, are distinguishable from Hoyt.

### **Evidence of Copying**

Applicant also attaches hereto Exhibits A and B to show that at least two competitors are copying the present invention. In Exhibit A, Applicant's device is the Summit Safety Line. Note that the Northstarr Safety Line (manufactured by Northstarr of Hillsdale, Michigan) is identical to the Applicant's device. Moreover, Exhibit B shows a Lone Wolf Safety Line (manufactured by Lone Wolf of Milwaukee, Wisconsin), which too is nearly identical to the Applicant's device as shown in Exhibit A. Applicant is prepared to submit a 37 C.F.R. § 1.132 declaration; however, it would be premature to do so at the present time.

### **CONCLUSION**

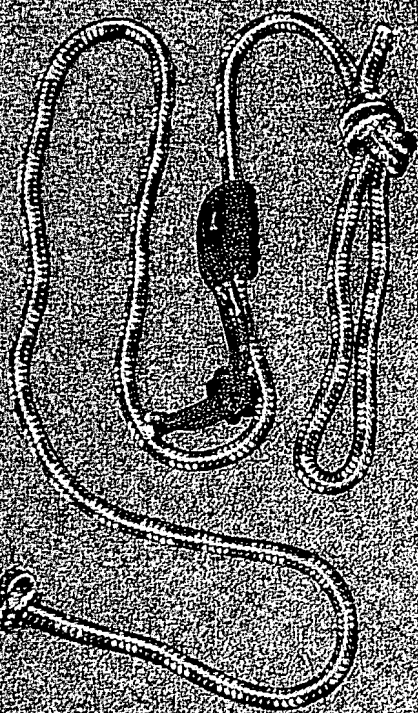
In view of the response submitted herein, it is believed that all claims are now allowable, and that the application has been placed in full condition for issue. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at 770.984.2300.

Respectfully submitted,

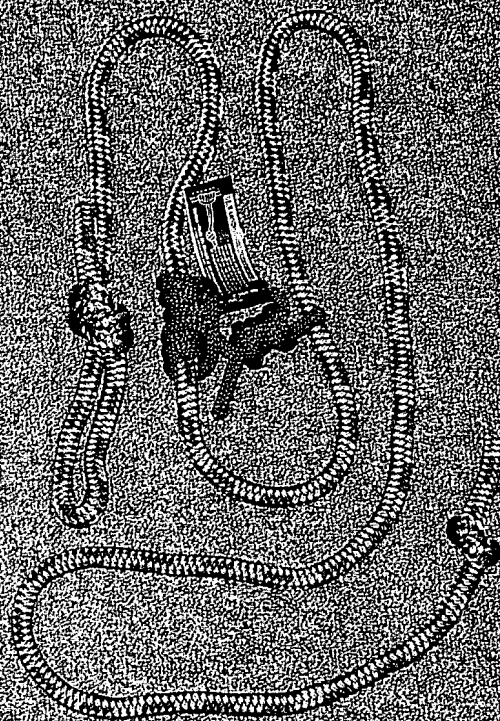
A handwritten signature in black ink, appearing to read 'Arthur A. Gardner', is written over a horizontal line.

Arthur A. Gardner  
Reg. No. 33,887

Customer Number: 23506  
GARDNER GROFF, P.C.  
100 Parkwood Point  
2018 Powers Ferry Rd., Suite 800  
Atlanta, GA 30339  
Tel: 770/984-2300, Fax: 770/984-0098



NORTHSTARR SAFETY LINE



SUMMIT SAFETY LINE

BEST AVAILABLE COPY

EXHIBIT A

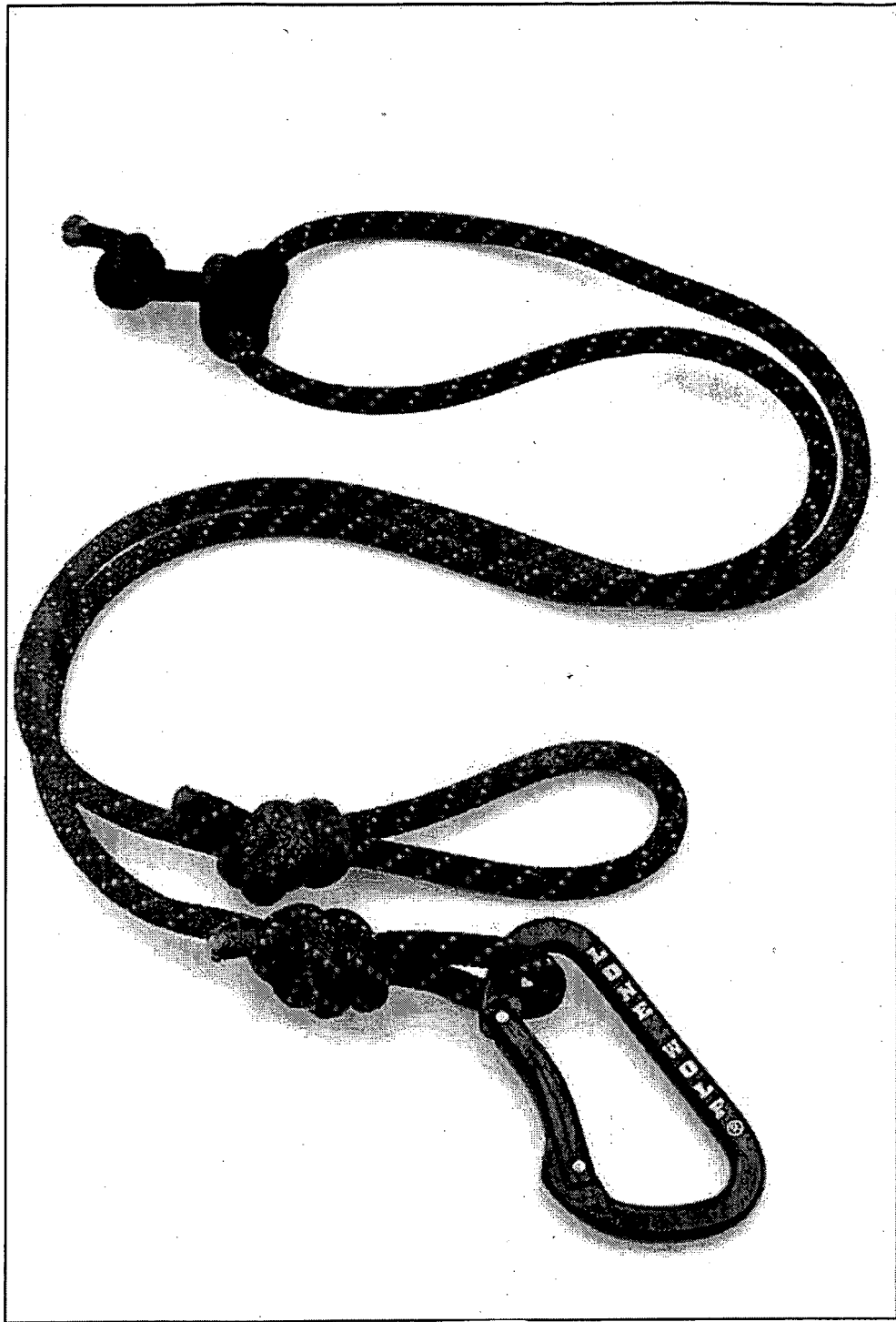


EXHIBIT B

BEST AVAILABLE COPY